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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,690	07/24/2003	Glen Reid	20889.00	9936

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,690

Applicant(s)

REID, GLEN

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/24/03 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the releasable buckle of claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curley, Jr. (4,500,019) in view of Naymark et al. (5,395,023), and further in view of Clem (4,848,624). Curley, Jr. discloses a carrier for portable electronic devices with a generally rectangular shape, secured to a user with an upper arm and a shoulder, comprising: a main body (22) with an upper edge, having an inner compartment opening (68); a front cover (46) with a top and bottom portion; a flexible, partially stretchable, arm strap or armband (12) to secure the holder to the upper arm of the user; and an arm adjustment/fastener piece (38 or 40) to provide for varying arm sizes; but fails to disclose the cover releasably sealing the inner compartment opening; an outer pocket on the bottom portion of the front cover, a protective flap attached to the upper edge of the main body that overlaps the top of the front cover, a shoulder strap, and the holder releasably secured to the user using a snap clip. Naymark et al., however, also discloses a carrier for securing portable electronic devices to a user and teaches that it is desirable to have a front cover (41') that releasably seals (via clips 57) an opening to inner compartment (40); a pocket (41) covering the bottom portion of the

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front cover; a protective flap (45) attached to the upper edge of the main body that overlaps the top of the front cover; and a snap clip (31) securing the holder to a user. Clem discloses a similar holder for securing objects to a user and teaches that it is desirable to include a strap (30) protruding from the top of the holder that further secures the holder to another location on the user, in addition to the straps securing the holder to a user's limb. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Curley, Jr. by implementing a releasable front cover, an outer pocket, a protective flap, and a snap clip, as taught by Naymark et al., in order to provide improved access to the portable device, to store additional objects, to better protect the portable device, and to releasably secure the holder to a user. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to include an additional top strap on the holder of Curley, Jr., as taught by Clem, allowing the user to secure the holder not only to one of their limbs, but also to another anchoring location such as their shoulder region, where the strap is capable of being attached.

Regarding the holder being used to carry traffic ticket books, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Curley, Jr. in view of Naymark et al. and Clem which is capable of being used in the intended manner, i.e., secured to an outer garment and carrying ticket books and tickets. There is no structure in Curley, Jr. in view of Naymark et al. and Clem that would prohibit such functional intended use (see MPEP 2111).

Regarding the limitation set forth in claim 5, the specification equates the safety release feature to the clips disengaging if the user pulls on them hard enough. Due to the fact that any clips will disengage if pulled hard enough, Examiner considers the snap clips of the Curley, Jr. in view of Naymark et al. and Clem to have this safety release feature.

Regarding the limitations set forth in claims 12, 13, and 14, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Curley, Jr. in view of Naymark et al. and Clem which is capable of being used in the intended manner, i.e., to carry a two-way radio, homing device, or medical supplies. There is no structure in Curley, Jr. in view of Naymark et al. and Clem that would prohibit such functional intended use (see MPEP 2111).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 3-8, and 12-14 in paragraph 4 above in view of Cragg (6,685,066). The art as applied in paragraph 4 above discloses the claimed invention except for the shoulder strap using a hook-and-loop fastener in addition to the releasable buckle (31) of Clem to attach the holder to the outer garment of a user. Cragg, however, teaches that the additional strap at the top of a holder may utilize hook-and-loop fasteners along the strap on which a buckle is found and also the region where the strap is attached to the main body of the holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of the art as applied in paragraph 4 above by including hook-and-loop fasteners along the strap at

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the top of the holder, as taught by Cragg, allowing the users to adjust the length at which the releasable buckle is displaced from the holder and better fit different sized users.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 3-8, and 12-14 in paragraph 4 above in view of Martinelli (5,779,122). The art as applied in paragraph 4 above discloses the claimed invention except for an identification pocket and window holding identification in place. Martinelli, however, discloses a holder that can be worn around a user's leg that has an identification pocket and window (56) disposed on an inner surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of the art as applied in paragraph 4 above by including an identification pocket and window, as taught by Martinelli, so that in the event the holder was lost or misplaced, a person finding the holder might be able to contact the owner.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 3-8, and 12-14 in paragraph 4 above in view of Wand (5,265,719) and Marceau (5,160,001). The art as applied in paragraph 4 above discloses the claimed invention except snap clips are used rather than zippers to open and close the front cover. Wand and Marceau, however, both teach that it is old and well known in the art to use zippers when designing a holder with a front cover that folds down. Front covers (22) and (23) of Wand and Marceau, respectively, both have zippers running up the left and right sides that, when unzipped, cause the front covers to be folded down away from the main bodies of the holders. Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify the device of the art as applied in paragraph 4 above by replacing the snap clips with a well known and art equivalent means of allowing the front cover to be folded down, such as the zippers taught by Wand and Marceau, in order to grant a user easy access to the portable device without having to completely remove it from the carrier.

Regarding the limitation set forth in claim 11, zipper heads are known to have a portion attached thereto that a user can hold on to, making it easier for a user to pull the zipper head along the zipper track. Examiner considers this attached portion, shown in the drawings of both Wand and Marceau, to in fact be a handle since it is held and pulled by the user.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Canepari et al., Sorensen et al., McNamara et al., and Sorensen disclose related body mounted article holders. Scribner, Fair, Hassett, Smith, Holland et al., Snider, Chisholm, Sauer et al., Leiserson, Goldstein et al., and Ohlsen disclose holders with similar flap/front cover/pocket arrangements. Golenz et al. and Kamaya et al. disclose zipper handles. Pickard et al. and Archbold teach the use of an identification pocket/window.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on M-Th 7-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen K. Cronin
Primary Examiner